

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO. 663

Case No. 89-28

(Map Amendment - American University)

May 14, 1990

Pursuant to notice, a public hearing before the Zoning Commission for the District of Columbia was held on February 1, 1990 to consider an application from the American University and the William Miller Construction Company for a change in zoning from R-5-A to R-1-B for part of Lots 2 and 800 in Square 1600, pursuant to Section 102.1 of the Zoning Regulations, District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of Chapter 30 of that title.

### FINDINGS OF FACT

1. The application, which was filed on September 24, 1989, requested to change the zoning from R-5-A to R-1-A for a part of lots 2 and 800 in Square 1600 at the intersection of University Avenue and Glenbrook Road, N.W. The American University (AU) is the fee simple owner of Parcel B. The William Miller Construction Co. is the contact purchaser, pursuant to a public auction of AU property.
2. The subject site is located in the Spring Valley neighborhood of the District of Columbia and contains approximately 32,718.35 square feet.
3. The property on two sides of the site is zoned R-1-A. The other sides are bordered by the Korean Embassy property, zoned R-5-A, and the new common boundary line with AU, which property is also zoned R-5-A. With the exception of AU and the Korean Embassy site, the entire neighborhood within several blocks is zoned either R-1-A or R-1-B.
4. The R-1-A District permits matter-of-right development of single-family residential uses for detached dwellings with a minimum lot area of 7,500 square feet, a minimum lot width of 75 feet, a maximum lot occupancy

of forty percent, and a maximum height of three stories/forty feet.

5. The R-5-A District permits matter-of-right single-family detached and semi-detached dwellings, and with the approval of the Board of Zoning Adjustment (BZA), low density development of general residential uses including rowhouses, flats, and apartments to a maximum floor area ratio (FAR) of 0.9, a maximum lot occupancy of forty percent, and a maximum height of three-stories/forty feet.
6. The District of Columbia Generalized Land Use Map of the Comprehensive Plan for the National Capital shows the site on the boundary of the institutional land use category, immediately adjacent to the low density residential land use designation.
7. The applicant testified that a designation of R-1-A zoning is the appropriate zoning designation for this site because it will no longer be a part of the University's property, but will instead be privately owned and intended for private development. Such a designation would allow for a residential development consistent with neighboring residences in Spring Valley.
8. The applicant's urban planner was qualified as an expert, and testified that the site is small and irregularly shaped and contains a steep grade change where it abuts the campus property to the east. The planner stated that given the topography, street frontage and the large size of most other lots in the neighborhood, the property would likely be developed with 2 or 3 houses.
9. By report dated January 23, 1990, the District of Columbia Office of Planning (OP) recommended approval of the application. The representative of OP testified that the proposed rezoning will provide new housing opportunities compatible with surrounding residential uses consistent with community objectives. OP stated that the rezoning does not impair the intent, purpose and integrity of the Zoning Regulations, and is not inconsistent with the Comprehensive Plan. OP recognized the agreement of the applicant to place a covenant on the property to restrict development to the R-1-A standards. OP testified that a further covenant or other restriction for two houses on the site is not necessary.
10. By report dated January 19, 1990, the Department of Public Works, Office of Policy and Planning (DPW) notified the Zoning Commission that the rezoning to a

less intense use would generate less traffic. Therefore, DPW had no objections to the application.

11. By report dated January 18, 1990, the District of Columbia Metropolitan Police Department (MPD), stated that the proposed rezoning would not generate an increase in the level of police services currently being provided, and therefore the MPD is not opposed to the action.
12. By report dated January 29, 1990, the District of Columbia Fire Department stated that it had no objections to the requested application.
13. By report dated January 11, 1990, the District of Columbia Department of Recreation, stated that the agency has no objection to the zoning map change since the proposed zoning is compatible with the surrounding single-family residential development and the request does not involve any appreciable impacts on park land or open space.
14. By report dated January 25, 1990, ANC 3D notified the Commission that it did not oppose the application. However, ANC 3D took the position that a covenant should be placed on the property limiting development to two houses, and reaffirmed its stated position in the BZA Campus Plan case that the boundary of Parcel B should be redrawn to create an appropriate buffer area.
15. By letter dated January 18, 1990 and in testimony at the public hearing, Jill and Jeffrey Stern, parties to the case, participated in support of the application. The Sterns asked the Zoning Commission to limit development to 2 houses and to not take any action that would limit or restrict any remedies or relief crafted by the BZA in the Campus Plan case. Subsequently, the Sterns indicated that they would agree to a limitation, by deed restriction or covenant, to restrict development to no more than 2 houses. The Zoning Commission determined to leave the record open to permit receipt of a document providing or such a limitation.
16. By letter dated January 30, 1990, Neighbors for a Livable Community (NLC) notified the Zoning Commission of its support for the application. NLC also supported the position of ANC 3D and Jill and Jeffrey Stern in the position that development should be limited to 2 houses, and that a buffer area should be provided to save 12 specified trees on Parcel B.
17. There were no other parties or persons in support or in opposition to the application.

18. The Zoning Commission concurs with the recommendations and positions of OP, DPW, DCR, DCFD, and MPD.
19. As to the concerns of ANC 3D and the Sterns regarding the limitation on the number of units, the Commission finds that the requested R-1-A District is the most restrictive zoning category and accordingly provides sufficient protection for neighboring properties. The Commission is also mindful that it has no authority to place conditions on a map amendment approval.
20. The Zoning Commission finds that the proposed amendment to the Zoning Map is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.
21. The proposed decision to approve R-1-A rezoning was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self Government and Governmental Reorganizational Act. NCPC, by report dated April 11, 1990 indicated that proposed zoning map amendment would not adversely affect the Federal Establishment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

#### CONCLUSIONS OF LAW

1. Rezoning to R-1-A as set forth herein is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat. 797) by furthering the general public welfare and serving to stabilize and improve the area.
2. Rezoning to R-1-A will promote orderly development in conformity with the entirety of the District of Columbia zone plan as set forth in the Zoning Regulations and Map of the District of Columbia.
3. Rezoning to R-1-A will not have an adverse impact on the surrounding neighborhood.
4. Rezoning to R-1-A is appropriate for the site.
5. Rezoning to R-1-A would not be inconsistent with the Comprehensive Plan for the National Capital.
6. Approval of this application is consistent with the Declaration of Major Policies of the Housing Element of the Comprehensive Plan.
7. The Zoning Commission has accorded ANC 3D the "great

weight" consideration to which it is entitled.

8. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

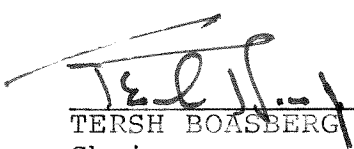
In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL on the following:

Change from R-5-A to R-1-A portions of Lots 2 and 800 in Square 1600 which is located at the intersection of University Avenue and Glenbrook Road, N.W., as shown on Exhibit No. 4 of the record.

Vote of the Zoning Commission at the March 12, 1990 public meeting: 5-0 (William L. Ensign, Maybelle Taylor Bennett, John G. Parsons, Lloyd D. Smith and Tersh Boasberg, to approve R-1-A).

This order was adopted by the Zoning Commission at its monthly meeting held on May 14, 1990, by a vote of 5-0 (Maybelle Taylor Bennett, John G. Parsons, Lloyd D. Smith, Tersh Boasberg and William Ensign to adopt as amended).

In accordance with 11 DCMR 3028.8, this order is final and effective upon publication in the D.C. Register; specifically on JUN 15 1990, 1990.

  
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TERSH BOASBERG  
Chairman  
Zoning Commission

  
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EDWARD L. CURRY  
Executive Director  
Zoning Secretariat

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